

---

# ASHBURTON DISTRICT COUNCIL BYLAWS

## CHAPTER 14 – WATER SUPPLY

### SCOPE

**1400** This bylaw is made under the authority of the Local Government Act 2002 for the supply of water to customers by the Ashburton District Council.

The purpose of this bylaw is to protect the public from nuisance and to protect, promote and maintain public health and safety by making rules for the supply of water.

The supply and sale of water by the Ashburton District Council is subject to:

- (a) Statutory Acts and Regulations:
  - (i) Building Act 2004
  - (ii) Fire Service Act 1975
  - (iii) Health Act 1956
  - (iv) Health (Drinking Water) Amendment Act 2007
  - (v) Local Government Act 2002
  - (vi) Local Government (Rating) Act 2002
  - (viii) Resource Management Act 1991; and
  
- (b) Relevant Codes and Standards
  - (i) Drinking Water Standards for New Zealand 2005
  - (ii) New Zealand Building Code
  - (iii) BS EN 14154-3:2005 Water meters. Test methods and equipment
  - (iv) SNZ PAS 4509:2003 New Zealand Fire Service fire fighting water supplies code of practice

### INTERPRETATION

**1401** When interpreting this bylaw use the definitions set out in the next sections unless the context requires otherwise. If you see a reference to a repealed enactment read that as a reference to its replacement.

**1401.1** For the purposes of this bylaw, the word 'shall' refers to practices that are mandatory for compliance with this bylaw, while the 'should' refers to practices that are advised or recommended.

### DEFINITIONS

**1402** For the purposes of this bylaw, unless inconsistent with the context, the following definitions shall apply:

---

**AIR GAP SEPARATION** means the unobstructed distance between the lowest opening of a water supply outlet and the highest level of the overflow water and shall be as prescribed in the New Zealand Building Code;

**APPROVED** means approved in writing by the WSA; either by resolution of the Council or by any authorised officer of the WSA;

**BACKFLOW** means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system;

**COUNCIL** means the Ashburton District Council or any officer authorised to exercise the authority of Council;

**CUSTOMER** means a person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the WSA;

**DETECTOR CHECK VALVE** means a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows associated with leakage or unauthorised use on a dedicated fire supply;

**EXTRAORDINARY SUPPLY** means a category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations;

**FEES AND CHARGES** means the list of items, terms, and prices for services associated with the supply of water as adopted by the Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002;

**LEVEL OF SERVICE** means the measurable performance standards on which the WSA undertakes to supply water to its customers;

**MAIN TAPPING** means the act of physically connecting a service pipe (or new water main) to an existing water main by the WSA or its nominated agent;

**ON DEMAND SUPPLY** means a supply which is available on demand directly from the point of supply subject to the agreed levels of service;

**ORDINARY SUPPLY** means a category of on demand supply used solely for domestic purposes;

**PERSON** means a natural person, corporation sole or a body of persons whether corporate or otherwise;

**POINT OF SUPPLY** means the point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the customer and the WSA, irrespective of property boundaries;

**PREMISES** means any of the following:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or maybe issued; or
- (b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose;

**PROPERTY** means a separately rateable property;

**PUBLICLY NOTIFIED** means published on at least one occasion in a daily newspaper circulating the area, or, under emergency conditions, by the most practical means available at that time;

**RESTRICTED FLOW SUPPLY** means a type of water supply where a small flow is supplied by a flow control device, and storage is provided by the customer to cater for demand fluctuations;

**RESTRICTOR** means a flow control device fitted to a service pipe to regulate the flow of water to a customer's premises;

**RURAL WATER SUPPLY AREA** means an area formally designated by a WSA as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via on demand supplies and/or restricted flow supplies but not necessarily with a fire fighting capability;

**SERVICE PIPE** means the section of water pipe between a water main and the point of supply;

**SERVICE VALVE (TOBY)** means the valve at the customer end of the service pipe;

**STORAGE TANK** means any tank, having a free water surface under atmospheric pressure, to which water is supplied across an air gap separation;

**SUPPLY PIPE** means a section of pipe through which water is conveyed from the point of supply to the customer;

**URBAN WATER SUPPLY AREA** means an area formally designated by a WSA as an area serviced by a reticulated water supply system with a fire fighting capability, that is intended to supply water to customers via on demand supplies;

**WATER SUPPLY AUTHORITY (WSA)** means the operational unit of Council responsible for the supply of water, including its authorised agents;

**WATER SUPPLY SYSTEM** means those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations, pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

## **PROTECTION OF WATER SUPPLY**

**1403** Access to system. No person other than the WSA and its authorised agents shall have access to any part of the water supply system, except to connect to the point of supply, subject to 1407, and to operate the service valve.

**1403.1** No person to connect to, or interfere with a water supply system, except as set out in 1404 and 1405 no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

## **FIRE HYDRANTS**

**1404** Only the attending Fire Service/s shall gain access to, and draw water from fire hydrants for the purposes of fighting fires, training, and testing.

**Note-:** The use of fire hydrants by untrained personnel can result in damage to the water supply system.

## **OTHER USES**

**1405** The right to gain access to, and draw water from a water supply for uses other than fire fighting (for example, flow testing or pipe flushing) shall be restricted to:

- (a) The WSA and its authorised agents;
- (b) Water abstraction permit holders during the period for which the permit has been issued, and only for the specified fire hydrant or filling point.

## **WORKING AROUND BURIED SERVICES**

**1406** The WSA shall keep accurate permanent records ('as-builts') of the location of its buried services. This information shall be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.

- (a) Any person proposing to carry out excavation work shall view the as-built information to establish whether or not WSA services are located in the vicinity.
- (b) At least five working days notice shall be given to the WSA of an intention to excavate in the vicinity of its services.

- (c) Where appropriate the WSA shall mark out to within  $\pm 0.5$  m on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect its services. The WSA may charge for this service.
- (d) When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate WSA specification
- (e) Any damage which occurs to a WSA service shall be reported to the WSA immediately.
- (f) The person causing the damage shall reimburse WSA with all costs associated with repairing the damaged service, and any other costs the WSA incurs as a result of the incident.

### CONDITIONS OF SUPPLY

**1407** In order to receive a supply of water an application must be made to the WSA.

**1407.1** Initial application:

- (a) Every application for a supply of water shall be made in writing on the standard WSA form accompanied by the prescribed charges. The applicant shall provide all details required by the WSA.
- (b) The applicant shall have the authority to act on behalf of the owner of the premises for which the supply is sought, and shall produce written evidence of this if required.
- (c) Within 10 working days of the receipt of an application the WSA shall, after consideration of the matters in 1415 and 1416 and any other matters the WSA considers relevant:
  - (i) Approve the application and inform the applicant of the type of supply, the size of the connection and of any particular conditions applicable; or
  - (ii) Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- (d) For the agreed level of service to the applicant, the WSA shall determine the sizes of all pipes, fittings and any other equipment from the water main up to the point of supply.
- (e) Upon approval, the applicant shall arrange for construction of the service pipe through an approved contractor only. A current schedule of approved contractors shall be provided to the applicant in conjunction with the approval notification.

- (f) Where no work in relation to an approved application for supply has commenced within six months of the date of the approval of the application, that application shall lapse unless, before the expiry of the six month period, the WSA extends the time for the commencement of the work. The WSA shall not be obliged to make any refund of the application fee.

## CHANGE OF USE

- 1408** Where a customer seeks a change in the level of service or end use of water supplied to a premises, and/or the supply changes from an ordinary to an extraordinary type (see 1415) or vice versa, a new application for supply shall be submitted by the customer.

## PRESCRIBED FEES AND CHARGES

- 1409** Fees and charges applicable at the time of application may include:
- (a) Application and inspection fee
  - (b) Main tapping fee
  - (c) Development contributions
  - (d) Water abstraction permit fee
- 1410** Main tapping fee. Where a person makes an application for a supply of water to a premises that does not have an existing service pipe or a service pipe suitable for the purpose of the supply from a water main to the point of supply, that person shall pay to the WSA at time of application a main tapping fee for joining the new service pipe to the water main.
- (a) The amount of the main tapping fee payable under clause 1410 shall be as the Council may by resolution determined from time to time.
  - (b) For larger service pipes (typically  $\geq 50$ mm diameter), and where a main tapping fee under clause 1410 is payable by any person, the WSA may estimate the main tapping fee and may require payment of the estimated amount prior to providing approval.
  - (c) Where the WSA receives payment of an estimated main tapping fee under clause 1410(b) and the estimate of the main tapping fee is greater than the actual cost of tapping the main, the WSA shall refund to the applicant the difference between the estimate of the main tapping fee and the actual cost of tapping the main.
  - (d) Where the WSA receives payment of an estimated main tapping fee under clause 1410(b) and the estimate of the main tapping fee is less than the actual cost of tapping the main, the WSA may require payment from the applicant of the difference between the estimate of the main tapping fee and the actual cost of tapping the main.

---

**CONSTRUCTION**

- 1411** Construction of service pipes shall only be undertaken by contractors as approved by the WSA in writing.
- (a) WSA shall inspect all new service pipe works prior to acceptance.
  - (b) Any works not constructed in accordance with WSA standard specification, or deemed unacceptable in any way, shall be repaired and/or replaced at the contractors cost. Additional fees may be applied to the contractor if re-inspection is required.
  - (c) The WSA reserves the right to inspect, replace, or remove any works constructed by unapproved contractors or others. The WSA may recover any or all costs associated with inspection, replacement or removal from the applicant.
- 1411.1** Where a customer supplies and installs a new or altered supply pipe up to the point of supply, the customer shall fit a customer valve to the satisfaction of an authorised officer as follows.
- (a) Where a building is set back from the road boundary, a customer valve shall be fitted on the supply pipe to control all outlets to the premises;
  - (b) Where a building is on the road boundary, a customer valve shall be provided inside the building as close as possible to the point of pipe entry to control all outlets on the premises;
  - (c) In every building of more than one floor, at every floor level including sub floor or basement level, one or more customer valves to control the supply to all outlets on such floor.

**BULK ABSTRACTION**

- 1412** Any person, other than the WSA, its authorised agents, and New Zealand Fire Service personnel in the performance of their statutory powers, desiring to abstract water from a WSA water supply shall apply in writing on the standard WSA form accompanied by the prescribed charges. The applicant shall provide all details required by the WSA.
- 1412.1** After considering an application for a water abstraction permit made in accordance with clause 1407.1(a), the WSA:
- (a) May issue a water abstraction permit upon such terms, conditions and restrictions as the WSA may determine; or
  - (b) Refuse the application and notify the applicant of the decision giving the reasons for the refusal.

**POINT OF SUPPLY**

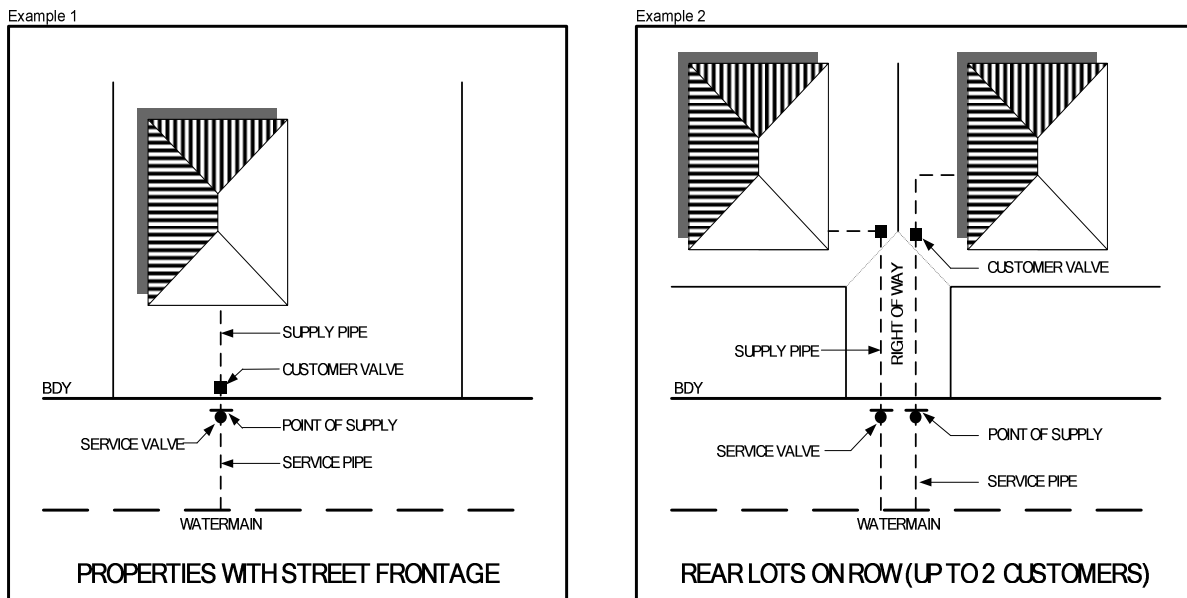
- 1413** Responsibility for maintenance.
- (a) The WSA shall own and maintain the service pipe from the water main up to the point of supply.

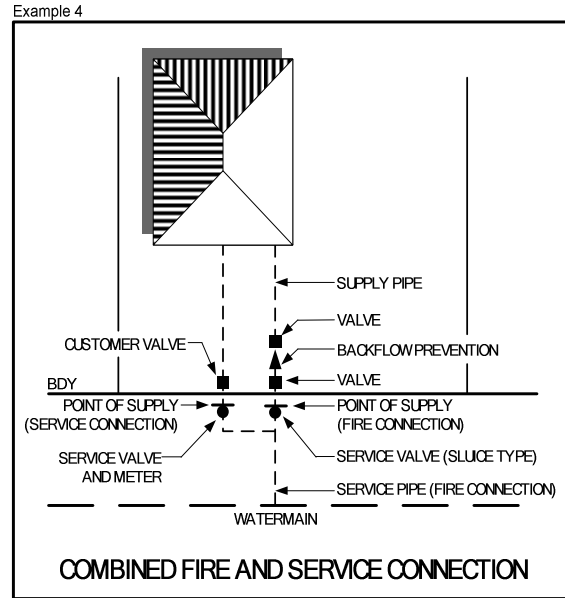
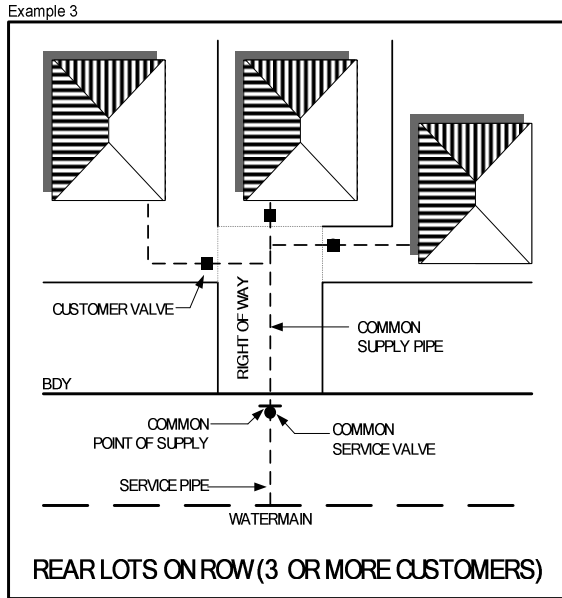
- (b) For new connections, the WSA shall assume ownership and maintain the service pipe from the water main up to the point of supply, upon completion and subsequent acceptance by the WSA.
- (c) The customer shall own and maintain the supply pipe beyond the point of supply.

**1413.1 Single Ownership:**

- (a) For individual customers the point of supply shall be located as shown in Figure 1 or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.
- (b) For each individual customer there shall be only one point of supply, except where indicated in Figure 1 (Examples 3 & 4), or otherwise approved.
- (c) The WSA gives no guarantee of the serviceability of the valve located on the service pipe.
- (d) Where there is no customer valve or where maintenance is required between the service valve and the customer valve, the customer may use the service valve to isolate the supply.
- (e) The WSA reserves the right to charge for maintenance of this valve if damaged by such customer use.

**FIGURE 1 – LOCATION AND LAYOUT OF POINT OF SUPPLY (EXAMPLES 1-4)**





**1413.2 Multiple Ownership**

- (a) The point of supply for the different forms of multiple ownership of premises and / or land shall be:
  - (i) For Company Share/Block Scheme (Body Corporate) – as for single ownership
  - (ii) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – each customer shall have an individual supply with the point of supply determined by agreement with the WSA.
  - (iii) In specific cases other arrangements may be acceptable, subject to individual approval.
- (b) For multiple ownership supply which was in existence prior to the coming into effect of this bylaw, the point of supply shall be the arrangement existing at that time; or as determined by agreement with the WSA for any individual case.

**ACCESS TO, AND ABOUT POINT OF SUPPLY**

**1414 Right of access.**

- (a) Where the point of supply is located on a customer's property the customer shall allow the WSA access to, and about the point of supply between 7.30 am and 6.00 pm on any day for:
  - (i) Meter reading without notice; or
  - (ii) Checking, testing and maintenance work with notice being given whenever possible.
- (b) Outside these hours (such as for night time leak detection) the WSA shall give notice to the customer.

- (c) Where access is not made available for any of the above times and a return visit is required by the WSA, a fee may be charge charged, such as 'Meter reading by appointment'.
- (d) Under emergency conditions the customer shall allow the WSA, or its nominated agent free access to, and about the point of supply at any hour.

**1414.1** Maintenance of access.

- (a) The customer shall maintain the area in and around the point of supply free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.
- (b) In the event that a customer fails to keep the area in and around the point of supply free of soil, growth, or other matter or obstruction, the WSA or its authorised agent may enter onto the customer's premises, remove the obstruction and the WSA may recover its costs of doing so from the customer.

**TYPES OF SUPPLY**

**1415** Supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

**1415.1** On demand supply:

- (a) Every premises shall be entitled to an ordinary supply of water from the WSA subject to the following conditions:
  - (i) The premises lying within a water supply area if such an area has been constituted by the WSA;
  - (ii) The exclusion of its use for garden watering under any restrictions made by the WSA under 1418.2.
  - (iii) Payment of the appropriate rates and charges in respect of that premises in general and water supply in particular; and
  - (iv) Any other charges or costs associated with subdivisional development; and
  - (v) Fulfilment of the requirements of this bylaw.
- (b) The WSA shall be under no obligation to provide an extraordinary supply of water (see also the provisions of 1418 and 1419.1).

**1415.2** Restricted flow supply:

- (a) Restricted flow supply shall be available to premises within a designated area only, or under special conditions set by WSA.
- (b) The water supply shall be restricted so as to deliver the agreed volume or water at a steady flow rate.
- (c) The Council shall charge for the restricted flow supply by either:
  - (i) The volume passing through a meter;
  - (ii) The allocated daily volume; or
  - (iii) The targeted rate applicable to the water supply.

- 1415.3** Ordinary use:
- (a) Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517) and shall include:
    - (i) Washing down a car, boat, or similar;
    - (ii) Garden watering by hand;
    - (iii) Garden watering by a portable sprinkler (subject to the provisions of 1418.2);
  - (b) For use from a fire protection system to NZS 4517 to be classified as an ordinary use, the customer should comply with the conditions set under 1407.1.

- 1415.4** Extraordinary use. This includes:
- (a) Domestic property with: a spa or swimming pool in excess of 10 m<sup>3</sup> capacity; or a fixed garden irrigation systems;
  - (b) Commercial and business;
  - (c) Industrial;
  - (d) Agricultural;
  - (e) Horticultural;
  - (f) Viticultural;
  - (g) Lifestyle blocks (peri-urban or small rural residential);
  - (h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
  - (i) Out of district (supply to, or within another local authority);
  - (j) Temporary supply; and
  - (k) Any other non-residential use

## **METERING**

- 1416** An ordinary use of water shall not normally be metered (subject to the WSA reserving the right to fit a meter and charge where it considers water use is excessive, or for a meter to be fitted at the customer's request), and the cost of such use shall be as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

- 1416.1** An extraordinary use shall normally be metered and charged for in accordance with 1426. Where the extraordinary use is for fire protection only, this supply shall not normally be metered.

## **LEVEL OF SERVICE**

- 1417** The WSA shall endeavour to provide water in accordance with the level of service contained in the Long Term Council Community Plan.

- 1417.1** For those periods where the level of service allows non compliance with the specified value(s), the WSA should make every reasonable attempt to achieve the specified value(s).

### **CONTINUITY OF SUPPLY**

- 1418** Nothing in this bylaw shall be construed as obliging the WSA to provide or continue to provide a supply of water to any premises.

- 1418.1** Uninterrupted service. If a customer has a particular requirement for an uninterrupted flow, pressure or quality of water supply, it shall be the responsibility of that customer to provide any necessary storage, back-up facilities or equipment necessary to meet that level of service.

- 1418.2** Demand Management:

- (a) The WSA may impose such restrictions as it may consider necessary or appropriate in respect of on demand supply or restricted flow supply to manage fluctuations in supply or demand of water due to seasonal or other factors.
- (b) Without limiting the generality of clause 1418.2(a), the WSA may impose the following restrictions:
  - (i) Restricting the time of day that water is available for certain uses;
  - (ii) Prohibiting the use of water through a hose unless the hose is held in a person's hand at the time that water is flowing through it; and
  - (iii) Prohibiting of the use of sprinklers or fixed garden irrigation systems.
- (c) A restriction imposed by the WSA under clause 1418.2(a) shall be publicly notified.

- 1418.3** Emergency restrictions.

- (a) During an emergency, the WSA may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers.
- (b) Where emergency restrictions have been imposed, such restrictions shall be publicly notified.
- (c) The WSA may enact penalties over and above those contained in these conditions to enforce these restrictions.
- (d) The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required, by the manager of the WSA, subject to subsequent Council ratification.

- 1418.4** Maintenance and repair. The WSA may shut down the supply of water to any part of the district in order to maintain, repair, alter or extend its water supply system.

---

**LIABILITY**

- 1419** The WSA shall endeavour to meet the level of service requirements of 1417, but shall not be liable for any loss, damage or inconvenience which the customer (or any person using the water supply) may sustain in relation to deficiencies in, or interruptions to, the water supply (See 1418.1).
- 1419.1** Nothing in this bylaw shall be construed as obliging the WSA to provide or continue to provide a supply of water to any premises.
- 1419.2** The WSA may, under certain circumstances and at its sole discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply, provided that such equipment or appliances have been designed to cater for the expected variations in flow, pressure, and quality of the water supply.

**FIRE PROTECTION CONNECTION**

- 1420** Connection application:
- (a) Any proposed connection for fire protection shall be the subject of a specific application (on the standard form) made to the WSA for approval.
  - (b) Any such connection shall be subject to the conditions specified by the WSA.
- 1420.1** Design:
- (a) It shall be the customer's responsibility (in discussion with the WSA) to ascertain and monitor whether the supply is adequate for the intended purpose.
  - (b) The WSA is not obliged to ensure the provision of a supply of water for fire protection at any particular flow or pressure.
- 1420.2** Fire connection metering:
- (a) Where the supply of water to any premises is metered, the WSA may allow the supply of water for the purposes of fire fighting to be made in a manner which bypasses the meter provided that:
    - (i) The drawing of water is only possible in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
    - (ii) A WSA approved detector check valve has been fitted on the meter bypass.
  - (b) Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than fire fighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.

- (c) Where a fire protection connection has been installed or located so that it is likely that water may be drawn from it by any person for purposes other than fire fighting, the WSA may require the supply to be metered.

**1420.3** Fire hose reels and sprinklers:

- (a) Where a supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply and not to the fire protection system.
- (b) The water supply to fire hose reels shall comply with the requirements of NZS 4503.
- (c) Any fire sprinkler system shall be constructed, installed and maintained by the building owner in good order and shall be so designed and fixed that water cannot be drawn from it for any other purpose.

**1420.4** Charges:

- (a) Water used for the purposes of extinguishing fires shall be supplied free of charge.
- (b) Where the fire protection connection is metered and water has been used for fire fighting purposes, the WSA shall estimate the quantity of water so used, and credit to the customer's account an amount based on such an estimate.

**1420.5** Ongoing testing and monitoring:

- (a) Customers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of WSA beforehand.
- (b) Water used for routine flushing and flow testing does not constitute waste but the quantity of water may be assessed and charged for by the WSA.

## **BACKFLOW PREVENTION**

**1421** Customer responsibility:

- (a) It is the customer's responsibility (under the Health Act 1956 and the Building Act 2004), to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the WSA's water supply from returning to that supply.
- (b) For the purposes of clause 1421(a), "all necessary measures" includes:
  - (i) backflow prevention either by providing an adequate air gap separation, or by the use of an approved backflow prevention device;

- (ii) the exclusion of any direct cross-connection between the WSA water supply (potable) and:
- any other water supply (potable or non-potable)
  - any other water source
  - any storage tank
  - any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances

Note:- A building consent is required to formalise any backflow prevention device installed to meet the requirements of this clause.

- 1421.1** Unmanaged risk. Notwithstanding 1421(a)&(b) the WSA may fit a backflow prevention device on the WSA's side of the point of supply where the customer cannot demonstrate that the risk of backflow has been managed.

### **WSA EQUIPMENT AND INSPECTION**

- 1422** Care of water supply system. The customer shall take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

- 1422.1** Inspection. Subject to the provisions of the Local Government Act 2002, the customer shall allow the WSA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

### **METERS AND FLOW RESTRICTORS**

- 1423** Installation:
- (a) Where deemed necessary, WSA may require the customer to install a meter or restrictor as part of a new service pipe installation. These devices shall remain the property of the WSA.
- (b) Where on demand supplies are not universally metered, the WSA, where it considers water use is unusually high, reserves the right to fit a meter at the customers cost, and charge accordingly.

- 1423.1** Location. Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the WSA side of the point of supply.

- 1423.2** Accuracy.
- (a) Meters shall be tested as and when required by the WSA or as prescribed in OIM R49.
- (i) The maximum permissible error for the upper flow rate zone ( $Q_2 \leq Q \leq Q_4$ ) is  $\pm 2\%$ , for temperatures from  $0.3^\circ\text{C}$  to  $30^\circ\text{C}$ ;
- (ii) The maximum permissible error for the lower flow rate zone ( $Q_1 \leq Q < Q_2$ ) is  $\pm 5\%$ , for temperatures from  $0.3^\circ\text{C}$  to  $30^\circ\text{C}$ :

- (iii) This accuracy shall be applied to all water meters with  $Q3 < 100$  m<sup>3</sup>/h and may be applied to water meters with values of  $Q3 > 100$  m<sup>3</sup>/h

Where:

- Q is the flow rate;
  - Q1 is the minimum flow rate;
  - Q2 is the transitional flow rate;
  - Q3 is the permanent flow rate; and
  - Q4 is the overload flow rate, as defined in OIML R49-1
- (b) Flow restrictors shall be accurate to within  $\pm 10\%$  of their rated capacity.
  - (c) Any customer who disputes the accuracy of a meter or restrictor may apply to the WSA for it to be tested provided that it is not within three months of the last test.
  - (d) Where the WSA tests a meter or restrictor pursuant to clause 1423.2(c) and the meter or restrictor does not comply with the accuracy requirement in clause 1423.2 (a) or (b), then the WSA shall not charge the customer for the test.
  - (e) Where the WSA tests a meter or restrictor pursuant to clause 1423.2 (c) and the meter or restrictor complies with the accuracy requirement in clause 1423.2 (a) or (b), the customer shall pay a fee in accordance with the WSA current fees and charges.
  - (f) Meters shall be tested as prescribed in OIML R49-2 and the test report shall be made available as prescribed in OIML R49-3.
  - (g) Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period not less than 1 hour at the expected normal operating pressure. A copy of independent certification of the test result shall be made available to the customer on request.

**1423.3 Adjustment:**

- (a) Where a meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the WSA shall make an adjustment in accordance with the results shown by such tests, backdated to the previous meter reading and the customer shall pay a greater or lesser amount according to such an adjustment.
- (b) Where the meter is under-reading by more than 20% or has stopped, the WSA reserves the right to charge for the amount of water assessed as having been used over the last billing period, taking into account any seasonal variations in demand.
- (c) Where the meter is over-reading, the WSA shall make appropriate adjustments to the customer's invoice/s, based on a period of similar use and backdated to when it is agreed the over reading is likely to have occurred.

**1423.4** Estimating consumption:

- (a) Where a meter is out of repair, ceases to register, has been removed, or where the seal or dial of a meter is broken, or the meter has otherwise been interfered with, the WSA may estimate the consumption for the period since the previous reading of such meter (based on the average of the previous 4 billing periods in respect of the premises charged to the customer) and the customer shall pay according to such an estimate.
- (b) Where by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of consumption, or where there have not been 4 previous billing periods in respect of those premises, the WSA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer shall pay according to such an estimate.
- (c) The customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage.

**1423.5** Incorrect Accounts:

- (a) Where a situation occurs, other than as provided for in 1423.4, where the recorded consumption does not accurately represent the actual consumption for a premises, the account shall be adjusted using the best information available to the WSA. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to wrong account, and unauthorised supplies.
- (b) Where an adjustment is required, in favour of the WSA or the customer, this shall not be backdated more than 12 months from the date the error was detected.

**PLUMBING SYSTEM**

**1424** Quick-closing valves, pumps or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the WSA.

**1424.1** In accordance with the Building Regulations 1992 the plumbing system shall be compatible with the water supply.

**PREVENTION OF WASTE**

**1425** The customer shall not intentionally allow water to run to waste from any pipe, tap, hose, sprinkler, or other device or fitting, nor allow the condition of the plumbing within the property to deteriorate to the point where leakage or waste occurs.

**1425.1** The WSA provides water for consumptive use not as an energy source. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved.

**1425.2** The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

### **PAYMENT**

**1426** The customer shall be liable to pay for the water and related services in accordance with the Council's fees and charges prevailing at the time.

**1426.1** The Council may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

### **TRANSFER OF RIGHTS AND RESPONSIBILITIES**

**1427** The customer shall not transfer to any other party the rights and responsibilities set out in this bylaw.

**1427.1** A supply pipe shall serve only one customer, and shall not extend by hose or any other pipe beyond that customer's property.

**1427.2** In particular and not in limitation of the above any water which the customer draws from the WSA supply shall not be provided to any other party without the approval of the WSA.

### **CHANGE OF OWNERSHIP**

**1428** In the event of a premises changing ownership the WSA shall record the new owner as being the customer at that premises.

**1428.1** Where a premises is metered the outgoing customer shall give the WSA five working days notice to arrange a final meter reading.

### **DISCONNECTION AT THE CUSTOMER'S REQUEST**

**1429** The customer shall give 20 working days notice in writing to the WSA of the requirement for disconnection of supply. Disconnection shall be at the customer's cost.

**1429.1** In accordance with the Local Government (Rating) Act 2002, any disconnection from a water supply system (whether initiated by customer or the WSA) shall not necessarily release the customer from liability for incurred or ongoing water charges.

### **BREACHES AND INFRINGEMENT OFFENCES**

**1430** Breaches of conditions of supply. The following are deemed breaches of the conditions to supply water:

- 
- (a) An incorrect application for supply which fundamentally affects the conditions of supply;
  - (b) Failure of a customer to meet and comply with the conditions of supply;
  - (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations specified in Clause 1400
  - (d) Frustration of the WSA's ability to adequately and effectively carry out its obligations;
  - (e) An act or omission including but limited to any of the following:
    - (i) Failure to pay the appropriate charges by the due date;
    - (ii) Failure to repair a leak, or in any way wilfully allowing water to run to waste; or to be misused;
    - (iii) The fitting of quick closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, compromise the ability of the WSA to maintain its stated levels of service (subject to 1424)
    - (iv) Failure to prevent backflow (see 1421)
    - (v) Failure to comply with water use restrictions or prohibitions introduced by the WSA for any purpose;
    - (vi) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved;
    - (vii) Using water for a single pass cooling system or heating system, or dilute trade waste prior to disposal, unless specifically approved;
    - (viii) Extending by hose or any other pipe a private water supply beyond that customer's property;
    - (ix) Providing water drawn from the WSA supply to any other party without approval of the WSA.

**1430.1** In the event of a breach of this part of this bylaw, the WSA may serve a written notice on the customer advising of the nature of the breach and the steps to be taken to remedy it.

- (a) If after one week, the customer persists in the breach, the WSA reserves the right to reduce the flow rate of water to the customer without notice.
- (b) In such an event the full service of the supply shall be re-established only after payment of the appropriate fee and remedy of the breach to the satisfaction of the WSA.
- (c) In addition, if the breach is such that the WSA is required to disconnect the supply for health and safety considerations, such disconnection should be carried out forthwith.

**INTERFERENCE WITH EQUIPMENT**

- 1431** Any tampering or interfering with WSA equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, the WSA shall be entitled to estimate (in accordance with 1423.4) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, recover any costs incurred.

**INFRINGEMENT OFFENCES**

- 1432** Council may by resolution declare specific infringement offences under this bylaw.